

STATE OF MINNESOTA
IN SUPREME COURT

FILED

January 14, 2025

**OFFICE OF
APPELLATE COURTS**

Steve Simon, Minnesota Secretary of State,

Petitioner,

vs.

Lisa Demuth,

Respondent.

**PETITION FOR WRIT
OF QUO WARRANTO**

Petitioner Steve Simon, in his official capacity as Minnesota Secretary of State, petitions the Court for a writ quo warranto to determine whether Representative Lisa Demuth has usurped his role as the presiding officer of the Minnesota House of Representatives. Because members of the House lacked a constitutionally required quorum when they purported to elect Representative Demuth on January 14, the Secretary remains the presiding officer under Minn. Stat. § 5.05 (2024).

JURISDICTION

1. The Court has original jurisdiction to issue a writ of quo warranto. Minn. Stat. § 480.04 (2024). The Court has exercised this jurisdiction to address whether public officials comply with the Minnesota Constitution when organizing a legislative body. *State ex rel. Palmer v. Perpich*, 182 N.W.2d 182 (Minn. 1971).

PARTIES

2. Petitioner Steve Simon is the Minnesota Secretary of State. State law directs that he preside over the Minnesota House of Representatives until it elects a speaker. Minn. Stat. § 5.05 (2024).

3. Respondent Lisa Demuth is an elected member of the House. Members of the House purported to elect her as its speaker on January 14, 2025, and she is holding herself out as the speaker.

FACTS

4. In each odd-numbered year, the legislature meets at noon on the first Tuesday after the second Monday in January. Minn. Stat. §§ 3.011, 3.05 (2024). In 2025, this date fell on January 14.

5. At the beginning of each biennial legislative session, the Secretary of State must call the House of Representatives to order. *Id.* § 5.05. He presides until the House elects a speaker. *Id.* §§ 3.05, 5.05.

6. The House must have a quorum to transact business, which includes electing a speaker. Minn. Const. art. IV, § 13; Minn. Stat. § 3.06 (2024).

7. On January 14, the Secretary called the House to order. Only 67 members were present. Because the House lacked a quorum, it could not elect a speaker. The Secretary adjourned the meeting.

8. After the Secretary adjourned, and with only 67 members present, Representative Paul T. Anderson purported to reconvene the meeting, declared a quorum present, and oversaw the purported election of Representative Demuth as speaker.

9. After voting for Representative Demuth, the 67 present members purported to pass various resolutions.

CLAIMS

10. A quorum of the House is the majority of the House. Minn. Const. art. IV, § 13. Because the House has 134 members, a quorum is 68 members. A quorum is needed to elect a speaker. Minn. Stat. § 3.06. Without a quorum, members can only meet and adjourn. *Palmer*, 182 N.W.2d at 183.

11. Because no quorum was present on January 14, the constitution precluded the present House members from transacting business.

12. Without a quorum, the purported election of Representative Demuth as speaker was invalid. A quorum of the House has not yet been present to allow members to elect a speaker.

13. Because the House has not properly elected a speaker, the Secretary remains the presiding officer of the House. Minn. Stat. § 5.05.

RELIEF

The Secretary requests that the Court issue a writ of quo warranto declaring that:

- A. A quorum of the House is 68 members.
- B. The purported election of Representative Demuth as speaker on January 14 was constitutionally invalid, and any action she or others have purported to take based on the election is invalid.
- C. The Secretary of State remains the House's presiding officer until a quorum of the House is present and elects a speaker.
- D. Apart from the Secretary's valid actions, the status quo as it existed on January 10 shall continue until the House is duly organized.

Dated: January 14, 2025

Respectfully submitted,

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